



JPW

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>In re U.S. Patent Application of:</b>	)	<b>Confirmation No. 7792</b>
	)	
<b>OZAKI et al..</b>	)	<b>Group Art Unit: 3681</b>
	)	
<b>Serial Number: 10/825,595</b>	)	<b>Examiner: Roger L. Pang</b>
	)	
<b>Filed: April 16, 2004</b>	)	
	)	
<b>For: VEHICLE RUNNING RANGE</b>		
<b>SWITCHING DEVICE</b>		

**RESPONSE TO OFFICE ACTION OF DECEMBER 8, 2005**

Honorable Assistant Commissioner For Patents  
Washington, D.C. 20231

Sir:

Responsive to the Office Action of December 8, 2005, Applicants, by the undersigned attorney, hereby elect "Device 1" as depicted in Figs. 1-4 of the drawings. It is believed that claims 1-12 read on the elected "Device 1,"

However, the requirement for election of species is respectfully traversed. As stated in MPEP 808.01(a) the Examiner may require an election of species "between either independent or distinct species." MPEP section 808.01 states:

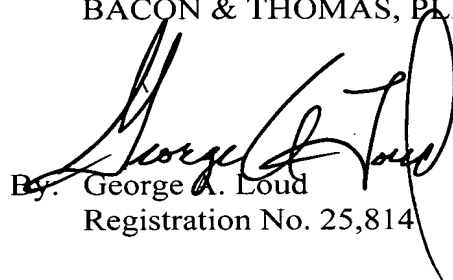
The particular reasons relied upon by the Examiner for holding the invention as claimed or either independent or distinct should be concisely stated. A mere statement of conclusion is inadequate. The reasons upon which the conclusion is based should be given."

Serial Number 10/825,595

Here, the Examiner has not stated a prima facie case for either independence or distinctness. In fact, the Examiner stated no reason whatsoever in support of the conclusion that the different "devices" are "patentably distinct species." For this reason, the requirement for election of species should be withdrawn.

Respectfully submitted,

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